

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

1:06-CV-3096

No. 08-10108-D

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

FEB 25 2008

THOMAS K. KAHN  
CLERK

DON E. BAILEY,

Plaintiff-Counter Defendant-Appellant,

versus

BANK OF AMERICA,

Defendant-Counter Claimant-Appellee,

**FILED IN CLERK'S OFFICE**  
U.S.D.C. Atlanta

Appeal from the United States District Court for the  
Northern District of Georgia

FEB 26 2008

Before CARNES, MARCUS, and PRYOR, Circuit Judges.

JAMES N. HATTEN, CLERK

By:

*James N. Hatten*  
Deputy Clerk

BY THE COURT:

This appeal is DISMISSED, sua sponte, for lack of jurisdiction. Don E. Bailey's December 28, 2007, notice of appeal is untimely to contest the district court's July 20, 2007, final judgment granting Bank of America's motion for summary judgment and the district court's September 28, 2007, order denying Bailey's construed motion for reconsideration. See Fed.R.App.P. 4(a)(1)(A); Rinaldo v. Corbett, 256 F.3d 1276, 1278 (11th Cir. 2001).

No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir.R. 40-4 and all other applicable rules.